

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ETHYPHARM S.A. FRANCE and)	
ETHYPHARM S.A. SPAIN,)	
)	
Plaintiffs,)	
)	
v.)	Civ. No. 04-1300-SLR
)	
BENTLEY PHARMACEUTICALS, INC.,)	
)	
Defendant.)	

O R D E R

At Wilmington this 26th day of September, 2005, consistent with the memorandum opinion issued this same date;

IT IS ORDERED THAT:

1. Defendant's motion to dismiss for failure to join a party (D.I. 9) is denied without prejudice to renew after discovery is completed.

2. Defendant's motion to dismiss counts one and three (D.I. 9) is granted.

3. Defendant's motion to dismiss count four (D.I. 9) is denied.


United States District Judge